REMARKS

This application has been reviewed in light of the non-final Office Action mailed on August 31, 2009. Claims 1, 4, 7-15, 18, 21-29, 32, and 35-42 are pending in the application with Claims 1, 15, and 29 being in independent form. By the present amendment, Claims 1, 15, and 29 have been amended. No new matter or issues are believed to be introduced by the amendments.

Claims 1, 4, 7-15, 18, 21-29, 32 and 35-42 were objected to. Independent Claims 1, 15, and 29 have been amended in a manner which is believed to obviate the objection. Accordingly, withdrawal of the objection for all the claims is respectfully requested.

Claims 1, 4, 7-15, 18, 21-29, 32 and 35-42 were rejected under 35 U.S.C. §112, first paragraph. Independent Claims 1, 15, and 29 have been amended in a manner which is believed to overcome the rejection for all the claims. However, Applicants respectfully submit that the previously added limitations to the independent claims are not new matter (see, for example Applicants' published application US 2006/0229079A1 at page 2, paragraph 0031 and page 3, paragraph 0038). Nonetheless, due to the amendments to independent Claims 1, 15 and 29, withdrawal of the rejection is respectfully requested.

Claims 1, 4, 7-15, 18, 21-29, 32 and 35-42 were rejected under 35 U.S.C. §112, second paragraph. Independent Claims 1, 15 and 29 have been amended in a manner which is believed to overcome the rejection for all the claims. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 1, 4, 7-9, 11-13, 14-15, 18, 21-23, 25-27, 28, 29, 32, 35-37, and 39-42 were

rejected under 35 U.S.C. §103(a) as being unpatentable over Mashinsky et al. (U.S. Application

No. 2003/0050070) in view of Cave (U.S. Patent No. 5,958,014).[1]

Claim 1, as amended herein, recites, *inter alia*, as follows:

> "...allocating the radio RF resources shared by said different communications
> schemes according to a selection selected from a group consisting of (a) **a**
> **statistical configuration method of said radio RF resources based** on a number
> of requests for accessing each of said different wireless communication schemes
> for calculating **a traffic ratio in either (i) a whole interval or (ii) a sub-interval**
> **of said whole interval, and (b) a type of wireless communication scheme.**"
> (emphasis added)

The applied combination of Mashinsky and Cave fails to disclose or suggest "...schemes

according to a selection selected from a group consisting of (a) a statistical configuration method

of said radio RF resources based on a number of requests for accessing each of said different

wireless communication schemes for calculating a traffic ratio in either (i) a whole interval or (ii)

a sub-interval of said whole interval, and (b) a type of wireless communication scheme," as

recited in amended independent Claim 1.

As best understood, Mashinsky relates to dynamic spectrum allocation and management

in a wireless telephone/data system (page 1, paragraph [0002]). Also, Mashinsky maximizes the

allocations of a device by using existing in-band control channels or out-of-band control channels

for detecting a signal sent by all providers in an area and for storing pertinent information for

later use in an internal or external database. This information is used to select which network to

access for the service. (Page 2, paragraph [0020]) Therefore, in Mashinsky, dynamic account

allocation is achieved by pooling together spectrum and network availability, as well as

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[1] Paragraph 10 of the Office Action states "are rejected under 35 U.S.C. 102(e)." It is Applicants'
understanding that the Examiner has withdrawn this rejection in the previous office action in lieu of the
rejection under 35 U.S.C. Section 103(a).

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congestion information, from different service providers in a central database and by the purchase of wholesale volume of network capacity or accounts with predetermined monthly usage (Abstract). The purchased network capacity is dynamically allocated to devices of different origin/ownership and the central system operator administrates the rebilling and reconciliation of any fractional usage to each device (Abstract).

Cave relates to a system and method for establishing a data connection between a computer and a live agent selected from an agent pool (Abstract). While browsing information on the server, the customer can request to speak with an unspecified live agent (Abstract). An agent queuing manager receives the customer's request and selects an appropriate live agent from a continuously updated pool of available agents (Abstract). Then, the agent queuing manager establishes a data connection between the live agent and the customer (Abstract). According to Cave, it may be desired to select the agent based upon the context of the user, a history of requests, or upon other statistical, monitored, or preprogrammed data. (Col. 3, line 66 to col. 4, line 2)

The allocation performed in the present disclosure is not for one or more live agents as described by Cave, but an allocation of **radio RF resources** within a wireless communications network. In the present disclosure, in contrast to the combination of Mashinsky and Cave, allocation of radio RF resources according to a statistical configuration method is achieved. In particular, allocation of the radio RF resources is achieved by a resource allocator 80 that dynamically allocates RF resources shared by TSM and/or TD-SCDMA wireless communication schemes, according to the number of the requests for accessing each of the different wireless communication schemes recorded by the memory in a statistical configuration method or

according to the types of the wireless communication schemes detected by status detector 90 (page 2, paragraph [0031]).

Additionally, in the present disclosure, in a first embodiment, allocator 80 uses the number of the requests for accessing each TSM and/or TD-SCDMA wireless communication schemes within the whole interval to calculate a traffic ratio (page 3, paragraph [0038]). In a second embodiment, instead of using the number of the requests within the whole interval, only the number of requests from a sub-interval of said whole interval, e.g., the rush hour of the interval, is used to calculate the ratio R.

Further, the Examiner states on page 6 of the Office Action the following:

> It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the method of Mashinsky in the format claimed by incorporating the teachings of Cave, for the purpose of providing an efficient communication system.

Applicants respectfully request the Examiner to provide a basis for this conclusory assertion by the Examiner that it would have been obvious to combine the two references. That is, the US Supreme Court has stated "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." KSR v. Teleflex, 550 US 398 (2007). Accordingly, Applicants respectfully request the Examiner withdraw the conclusory assertion or provide an articulated reasoning with some rational underpinning to support the legal conclusion of obviousness as required by the US Supreme Court. As such, the Examiner is respectfully requested not to issue a final office action in response to this Amendment, if the pending claims are not allowed.

Accordingly, the combination of Mashinsky and Cave does not disclose all the features recited by independent Claim 1. Therefore, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claim 1 and allowance thereof is respectfully requested.

Independent Claims 15 and 29 include similar limitations to those of Claim 1, and are allowable over the prior art of record for at least the same reasons presented above for the patentablity of independent Claim 1. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 15 and 29 and allowance thereof is respectfully requested.

Dependent Claims 7-9, 11-13, 14, 21-23, 25-27, 28, 35-37, and 39-42, are allowable over the prior art of record for at least the same reasons presented above for the patentablity of independent Claims 1, 15, and 29. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 7-9, 11-13, 14, 21-23, 25-27, 28, 35-37, and 39-42, and allowance thereof are respectfully requested.

Claims 10, 24, and 38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mashinsky in view of Cave and further in view of allegedly well-known prior art. Dependent Claims 10, 24, and 38 are allowable over the prior art of record for at least the same reasons presented above for the patentablity of independent Claim 1. The alleged well-known prior art does not teach the newly added limitations to Applicants' independent Claims 1, 15 and 29 and therefore does not address the deficiencies of Mashinsky and Cave.

Specifically, dependent Claim 10 recites "step (b2) and (b3) are executed in following condition: subscribers which carry out cell handover send said handover requests for accessing said different wireless communication schemes." Applicants respectfully request that the Examiner refer to specific prior art that addresses the limitations of dependent Claim 10 in conjunction with the base claim and any intervening claims, as well as the similar limitations recited by dependent Claims 24 and 38. Notwithstanding the Examiner's remarks with respect to alleged well-known prior art, the withdrawal of the rejection under 35 U.S.C. §103(a) with

respect to dependent Claims 10, 24, and 38, and allowance thereof is respectfully requested due to at least their dependence from independent Claims 1, 15 and 29.
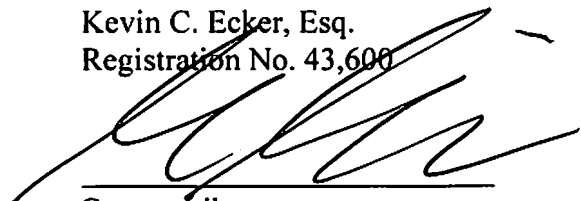
In view of the foregoing amendments and remarks, it is respectfully submitted that all Claims presently pending in the application, namely, Claims 1, 4, 7-15, 18, 21-29, 32, and 35-42, are believed to be in condition for allowance.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to contact the undersigned.

Respectfully submitted,

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